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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q64739

Naozumi JOGO

Appln. No.: 09/873,388

Group Art Unit: 2672

Confirmation No.: 4587

Examiner: Motilewa Good Johnson

Filed: June 05, 2001

For: IMAGE CROPPING AND SYNTHESIZING METHOD, AND IMAGING APPARATUS

SUBMISSION OF APPELLANT'S BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
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Technology Center 2600

Sir:

Submitted herewith please find an original and two copies of Appellant's Brief on Appeal. A check for the statutory fee of \$330.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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23373

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Date: August 16, 2004



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APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

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In accordance with the provisions of 37 C.F.R. § 1.192, Appellant submits the following:

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Fuji Photo Film, Co., Ltd. of Japan, by virtue of an assignment executed by Naozumi Jogo (Appellant, hereafter) on May 22, 2001, and recorded by the Assignment Branch of the U.S. Patent and Trademark Office. The assignment was recorded on June 5, 2001 at Reel 011875, Frame 0895.

II. RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellant, the Assignee, and the undersigned, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

Claims 1-16 are all the claims pending in the application.

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ghislain Bossut et al. (US 6,195,101, hereafter "Ghislain Bossut").

The rejections of claims 1-16 are being appealed.

IV. STATUS OF AMENDMENTS

All Amendments are believed to have been previously entered and made of record.

V. SUMMARY OF THE INVENTION

Appellant's invention relates to an apparatus and method of cropping an image and synthesizing the cropped image with a template. As shown in FIGS. 1-3, an exemplary embodiment of the present invention provides an imaging apparatus including a template selecting device 73 for selecting a template from among different kinds of templates 77a-77d (page 17, line 15 – page 18, line 9); a display device 11 for displaying an image 80 to synthesize and a crop boundary 98a having a corresponding shape to that of a frame of said selected template (page 22, line 13- page 23, line 12); an operation device 44 for moving said crop boundary on said screen, to place a reference point 98e of said crop boundary on an appropriate point of said image to synthesize, and for enlarging or reducing said crop boundary about said predetermined reference point while keeping said crop boundary in the same shape and keeping said reference point on said appropriate point of said image (page 23, line 13 – page 24, line 2); a cropping device 24 for cropping an image from an area of said image to synthesize, said area being bounded by said crop boundary (page 24, lines 3-8); and an image synthesizing device 24

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for enlarging or reducing said cropped image in accordance with the size of said frame of said template, and thereafter pasting said cropped image in said frame of said template, to produce a synthesized image (page 24, lines 8-27).

VI. ISSUES

Whether the Examiner's rejection of claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by Ghislain Bossut is proper.

VII. GROUPING OF CLAIMS

The claims do not all stand or fall together, and accordingly should be considered in the following groups:

Group 1: Claims 1, 3, 4, 7, 8, 10-13 and 16

Group 2: Claim 2

Group 3: Claims 5, 6, 14 and 15

Group 4: Claim 9

The Arguments section below provides arguments in support of the separate patentability of the groups, beginning on the following pages: Group 1, page 3; Group 2, page 6; Group 3, page 7; Group 4, page 8.

VIII. ARGUMENTS

Appellant respectfully submits that the claims are not anticipated by the applied reference.

Group 1

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Group 1 includes claims 1, 3, 4, 7, 8, 10-13, and 16. Claims 1 and 7 are independent. Claims 3, 4, and 13 depend from claim 1. Claims 8, 10, 12, and 16 depend from claim 7.

Group 1, Argument: Ghislain Bossut does not teach or suggest displaying a crop boundary with a reference point on an image to synthesize on a screen, upon selecting a template having at least a frame, the crop boundary having a corresponding shape to that of the frame of the selected template and being variable in size while keeping the same shape and being centered on the reference point.

The Examiner points to col. 2, lines 3-4 as disclosing cropping. Appellant agrees that the cited excerpt of the reference discloses cropping, but Ghislain Bossut does not disclose displaying a crop boundary with a reference point. The Examiner is correct that the reference discloses the user-defined edit contains geometric parameters (col. 2, lines 65-66), but Appellant submits that nothing in the reference teaches or suggests displaying a crop boundary with a reference point.

In the "Response to Arguments" on page 8 of the Office Action dated February 12, 2004, the Examiner argues that the reference discloses user-defined cropping containing geometric parameters. The Examiner contends that

Geometry is defined in the mathematics of the properties, measurement, and relationships of points, lines, angles, surfaces, and solids, therefore it is inherent that geometric parameters would constitute those parameters that define the mathematics of the properties, measurement, and relationships and include points, lines, angles, surfaces and solids.

However, this aspect of geometry is simply a general assertion about geometric properties, which does not correspond to any of the claimed features of claim 1 of Appellant's invention. Thus, even if the Examiner's contention about geometry is correct, Ghislain Bossut

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still fails to teach or suggest displaying a crop boundary with a reference point on an image to synthesize on a screen, upon selecting a template having at least a frame, the crop boundary having a corresponding shape to that of the frame of the selected template and being variable in size while keeping the same shape and being centered on the reference point.

The Examiner further contends that the reference discloses that in order to render a desired portion of the image, it is necessary to apply the equation at the points that correspond to the desired portion (col. 6, lines 61-67), thus constituting a reference point. However, the points (x,y) referred to in the cited excerpt are just coordinate points in a grid, which are not disclosed as having the features recited in claim 1 of Appellant's invention. In particular, claim 1 recites displaying a crop boundary with a reference point on an image to synthesize on a screen, upon selecting a template having at least a frame, the crop boundary having a corresponding shape to that of the frame of the selected template and being variable in size while keeping the same shape and being centered on the reference point. Despite the Examiner's assertions, Ghislain Bossut simply fails to disclose displaying a crop boundary with a reference point, the crop boundary being centered on the reference point. Therefore, claim 1 and its dependent claims 3, 4, and 13 are not anticipated by Ghislain Bossut.

Claims 7, 8, 10-12, and 16 are allowable for reasons analogous to those for claim 1.

Therefore, Appellant submits that claims 1, 3, 4, 7, 8, 10-13, and 16 are not anticipated by Ghislain Bossut and respectfully requests the reversal of the rejection of the claims of Group 1, for the above-described reasons.

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Group 2

Group 2 includes claim 2, which is dependent from claim 1. Claim 2 is separately patentable from the claims of Group 1, due to the requirement for the reference point being located inside the crop boundary at a constant position relative to the crop boundary.

Group 2, Argument: Ghislain Bossut does not teach or suggest the reference point being located inside the crop boundary at a constant position relative to the crop boundary.

Here, the Examiner refers to col. 10, lines 12-19, as allegedly disclosing these features of the claim. However, the cited excerpt actually describes a “zone of interest” which is a part of the real “subject” of the picture, not a reference point located inside the crop boundary at a constant position relative to the crop boundary. The Examiner also cites col. 2, lines 65-67, but as noted above, there is no teaching or suggestion of “geometric parameters” corresponding to “points, lines, angles,” as asserted by the Examiner.

The Examiner argues in the Response to Arguments on page 9 of the February 12, 2004 Office Action that a grid point in the reference corresponds to the claimed reference point recited in claim 2. However, an individual grid point in Ghislain Bossut is not located inside a crop boundary at a constant position relative to the crop boundary. For example, if a crop boundary in the reference were to be moved, the grid point would not be moved. Thus, the location of the grid point would change relative to a crop boundary that had been moved. Therefore, Appellant submits that claim 2 is not anticipated by Ghislain Bossut.

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Therefore, Appellant respectfully requests the reversal of the rejection of the claim 2, for at least the aforementioned reasons, as well as the reasons discussed above in relation to Group 1.

Group 3

Group 3 includes claims 5, 6, 14, and 15. Claims 5 and 6 are independent. Claims 14 and 15 depend from claims 5 and 6, respectively. The claims of Group 3 are separately patentable from the claims of Group 1, due to the requirement for the crop boundary having an equal aspect ratio to that of the designated frame size and being variable in size while keeping the same aspect ratio and being centered on the reference point.

Group 3, Argument: Ghislain Bossut fails to disclose displaying a crop boundary with a reference point on the image on the screen, upon designating a frame size, the crop boundary having an equal aspect ratio to that of the designated frame size and being variable in size while keeping the same aspect ratio and being centered on the reference point.

Appellant argued in the Amendment filed August 7, 2003 that Ghislain Bossut fails to disclose displaying a crop boundary with a reference point on the image on the screen, upon designating a frame size, the crop boundary having an equal aspect ratio to that of the designated frame size and being variable in size while keeping the same aspect ratio and being centered on the reference point. In the Examiner's Response to Arguments on pages 9-10 of the February 12, 2004 Office Action, the Examiner refers to col. 11, lines 1-19 of the reference as allegedly disclosing the above-described features. As asserted by the Examiner, the cited excerpt of the reference discloses that "the zone of interest cannot be positioned or reduced in size beyond the point where the image frame would no longer encompass the cutout frame." Col. 11, lines 13-

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16. However, this disclosure does not mean that the crop boundary has an equal aspect ratio to that of the designated frame size. For example, the zone of interest could have a different aspect ratio than the cutout frame and still have the image frame encompass the cutout frame. Actually, all of the examples of the zone of interest 460 shown in FIG. 4 of the reference illustrate the zone of interest 460 having a different aspect ratio than the image cutout frames 420, 430, 440, and 450. Therefore, Appellant submits that claims 5 and 6, and their respectively dependent claims 14 and 15, are not anticipated by the reference.

Therefore, Appellant respectfully requests the reversal of the rejection of the claims of Group 3, for at least the aforementioned reasons, as well as the reasons discussed above in relation to Group 1.

Group 4

Group 4 includes claim 9, which is dependent from claim 7. Claim 9 is separately patentable due to its requirement of a display device that displays samples of different kinds of templates on a screen in a small size before one of the templates is selected.

Group 4, Argument: Ghislain Bossut fails to disclose a display device that displays samples of different kinds of templates on a screen in a small size before one of the templates is selected.

In the Response to Arguments on page 10 of the Office Action dated February 12, 2004, the Examiner refers to FIG. 5 and col. 12, lines 6-9 of the reference as allegedly disclosing this feature of the claim. Although FIG. 5 illustrates the interrelationship between LivePixObjects, templates, and Template Contexts for three different templates, FIG. 5 and col. 12, lines 6-9 do

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not disclose that samples of different kinds of templates are displayed on a screen in a small size before one of the templates is selected. Thus, claim 9 is not anticipated by Ghislain Bossut.

Therefore, Appellant respectfully requests the reversal of the rejection of claim 9, for at least the aforementioned reasons, as well as the reasons discussed above in relation to Group 1.

IX. CONCLUSION

Appellant respectfully requests the members of the Board to reverse the rejection of all appealed claims and to find each of the claims allowable as defining subject matter, which is patentable over the applied reference.

The present Brief on Appeal is being filed in triplicate. Unless a check is submitted herewith for the fee required under 37 C.F.R. §1.192(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

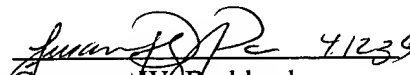
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Date: August 16, 2004

APPENDIX

CLAIMS 1-16 ON APPEAL:

1. A method of cropping and synthesizing an image on a screen, comprising the steps of:

displaying a crop boundary with a reference point on an image to synthesize on said screen, upon selecting a template having at least a frame, said crop boundary having a corresponding shape to that of said frame of said selected template and being variable in size while keeping the same shape and being centered on said reference point;

moving said crop boundary on said screen through an operation device, to place said reference point of said crop boundary on an appropriate point of said image to synthesize;

thereafter enlarging or reducing said crop boundary about said reference point, to bound an appropriate area of said image to synthesize;

cropping an image of said bounded area; and

pasting said cropped image in said frame of said template after enlarging or reducing said cropped image in accordance with the size of said frame of said template.
2. A method as recited in claim 1, wherein said reference point is located inside said crop boundary at a constant position relative to said crop boundary.
3. A method as recited in claim 1, wherein said cropped image is automatically enlarged or reduced in accordance with the size of said frame of said selected template.
4. A method as recited in claim 1, further comprising the steps of:

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displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary, said internal zone having a predetermined proportion and a predetermined position relative to said crop boundary; and

moving at least one of said reference lines on said screen through said operation device while keeping said reference point on said appropriate point of said displayed image, to adjust said internal zone to an appropriate portion of said displayed image, wherein said crop boundary is automatically enlarged or reduced in cooperation with the movement of said reference line, so as to keep said internal zone in the predetermined proportion and position relative to said crop boundary.

5. An image cropping method comprising the steps of:

displaying an image on said screen;

displaying a crop boundary with a reference point on said image on said screen, upon designating a frame size, said crop boundary having an equal aspect ratio to that of said designated frame size and being variable in size while keeping the same aspect ratio and being centered on said reference point;

moving said crop boundary on said screen through an operation device, to place a predetermined reference point of said crop boundary on an appropriate point of said image;

thereafter enlarging or reducing said crop boundary about said reference point, to bound an appropriate area of said image;

cropping an image of said bounded area; and

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enlarging or reducing said cropped image in accordance with said frame size.

6. An image cropping method comprising the steps of:

displaying an image on said screen;

displaying a crop boundary with a reference point on said image on said screen, upon designating a frame size, said crop boundary having an equal aspect ratio to that of said designated frame size and being variable in size while keeping the same aspect ratio and being centered on said reference point;

displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary, said internal zone having a predetermined proportion and a predetermined position relative to said crop boundary;

moving said crop boundary together with said reference lines on said screen through an operation device, to place said reference point of said crop boundary on an appropriate point of said image;

moving at least one of said reference lines on said screen through said operation device while keeping said reference point on said appropriate point of said image to synthesize, to adjust said internal zone to a portion of said image;

enlarging or reducing said crop boundary about said reference point automatically in cooperation with the movement of said reference line, so as to keep said internal zone in the predetermined proportion and position relative to said crop boundary;

cropping an image of an area of said image that is bounded by said crop boundary; and

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enlarging or reducing said cropped image in accordance with said frame size.

7. An imaging apparatus comprising:

a template selecting device for selecting a template from among different kinds of templates;

a display device for displaying an image to synthesize and a crop boundary having a corresponding shape to that of a frame of said selected template;

an operation device for moving said crop boundary on said screen, to place a reference point of said crop boundary on an appropriate point of said image to synthesize, and for enlarging or reducing said crop boundary about said predetermined reference point while keeping said crop boundary in the same shape and keeping said reference point on said appropriate point of said image;

a cropping device for cropping an image from an area of said image to synthesize, said area being bounded by said crop boundary; and

an image synthesizing device for enlarging or reducing said cropped image in accordance with the size of said frame of said template, and thereafter pasting said cropped image in said frame of said template, to produce a synthesized image.

8. An imaging apparatus as recited in claim 7, wherein said display device further displays reference lines inside said crop boundary, to define an internal zone within said crop boundary, said internal zone having a predetermined proportion and a predetermined position relative to said crop boundary; and wherein at least one of said reference lines may be moved on

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said screen through said operation device while keeping said reference point on said appropriate point of said image to synthesize, and said crop boundary is automatically enlarged or reduced in cooperation with the movement of said reference line, so as to keep said internal zone in the predetermined proportion and position to said crop boundary.

9. An imaging apparatus as recited in claim 7, wherein said display device displays samples of said different kinds of templates on said screen in a small size before one of said templates is selected.

10. An imaging apparatus as recited in claim 7, wherein said display device displays a plurality of images in a small size on said screen, among which said image to synthesize may be selected from and is displayed in a large size after being selected.

11. An imaging apparatus as recited in claim 7, wherein said display device displays said synthesized image on said screen after said image synthesizing device completes pasting said cropped image in said frame of said template.

12. An imaging apparatus as recited in claim 7, further comprising an image input device for inputting image data, and a printer for printing out said synthesized image.

13. The method of claim 1, wherein the appropriate area of said image corresponds to a region of interest selectable by a user.

14. The method of claim 5, wherein the appropriate area of said image corresponds to a region of interest selectable by a user.

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15. The method of claim 6, wherein the appropriate area of said image corresponds to a region of interest selectable by a user.

16. The apparatus of claim 7, wherein the appropriate area of said image corresponds to a region of interest selectable by a user.